

From: ["Saric, James" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=1563015DBEEE49A1AEA479C55929F0D1-JSARIC>](mailto:JSARIC@EXCHANGELABS.COM)
To: Jeff.Keiser@CH2M.com
CC:
Date: 10/22/2013 2:30:51 PM
Subject: FW: OU 5 MDEQ ARAR Table

From: Wood, Nicole
Sent: Tuesday, October 22, 2013 2:05 PM
To: Bucholtz, Paul (DEQ); Synk, Polly (AG); Saric, James
Subject: RE: OU 5 MDEQ ARAR Table

Here is the language from the FS about the TI waiver for water quality standards:

4.7.2.2 Compliance with ARARs

Applicable ARARs are discussed in Section 2.3 and listed in Tables 2-1 through 2-3. Alternative S-5 complies with ARARs, except that technical impracticability waivers would be required for the Michigan NREPA water quality ARARs. These waivers would be required due to:

- Low-level continuing sources to the river that may sustain levels of PCBs in the water column (e.g., from the atmosphere, upstream areas and urbanized areas of the watershed, etc.)
- An inability to detect such low PCB concentration, as current typical water column detection limits are 1.0 to 0.2 ng/L

The time to comply with human health and ecological exposure risk targets in fish for the Area 1-wide removal to an RAL of 1 for alternative S-5 would be 18 to 22 years in smallmouth bass and 28 to 42 years in common carp, following ROD issuance (Table 4-1). The sediment PRG would be met upon completion of excavation.

Here is something I found that is helpful in describing why OSHA is not an ARAR: Note: ARARs are the requirements of environmental and facility siting laws only. Independent of ARARs, on-site activities also must comply with requirements of non-environmental laws including building codes and safety requirements such as Occupational Safety and Health Administration (OSHA) requirements <http://homer.ornl.gov/sesa/environment/arars/faq.html>

Here is the link to the CWA ARAR guidance that discusses unchanneled runoff from a site into surface waters and the antidegradation requirements, which I believe are found in Michigan's Part 31 Rule 323.1098. <http://www.epa.gov/superfund/policy/remedy/pdfs/92-34206fs.pdf>

Here is a link to two TMDL guidance documents that discuss how load allocations developed pursuant to 303(d) of the CWA can be ARARs and how TMDLs are used at sites

next to waterways (again, I am not advocating this, I am just providing these since we discussed TMDLs a bit today:

http://water.epa.gov/lawsregs/lawsguidance/cwa/tmdl/upload/pcb_tmdl_handbook.pdf

http://water.epa.gov/scitech/datait/models/upload/1999_11_05_models_SASD0109.pdf

From: Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]

Sent: Monday, October 21, 2013 1:07 PM

To: Synk, Polly (AG); Wood, Nicole; Saric, James

Subject: RE: OU 5 MDEQ ARAR Table

I am open 12:30 to 2 pm and 4:30 to 5 EST.

From: Synk, Polly (AG)

Sent: Monday, October 21, 2013 10:14 AM

To: Wood, Nicole; Bucholtz, Paul (DEQ); Saric, James

Subject: RE: OU 5 MDEQ ARAR Table

I'm only available between 12:30 - 3:15, or 4:30 – 5 pm eastern.

From: Wood, Nicole [<mailto:wood.nicole@epa.gov>]

Sent: Monday, October 21, 2013 10:12 AM

To: Bucholtz, Paul (DEQ); Synk, Polly (AG); Saric, James

Subject: RE: OU 5 MDEQ ARAR Table

Can we reschedule this meeting for tomorrow (Tuesday, October 22)?

I am available anytime between 9:30 a.m. and 4:30 p.m. central time.

-----Original Appointment-----

From: Bucholtz, Paul (DEQ) [<mailto:BUCHOLTZP@michigan.gov>]

Sent: Friday, September 27, 2013 8:36 AM

To: Bucholtz, Paul (DEQ); Synk, Polly (AG); Saric, James; Wood, Nicole

Subject: OU 5 MDEQ ARAR Table

When: Wednesday, October 02, 2013 10:30 AM-11:30 AM (UTC-06:00) Central Time (US & Canada).

Where: Call in 877-402-9757 Access Code 7227821

Hi, everyone.

Let's plan on Wednesday at 11:30 eastern/10:30 central. I do not have a call in line so if any of you do, please forward it.

In terms of the table, there seems to be a lot of references to requirements for landfills, OU1 is specifically mentioned three times, and there seems to be a handful of requirements that are not more stringent than federal requirements. I would like to hear more about inclusion of the Part 31 and Part 315 requirements. OSHA rules are never ARARs (Paul, you probably remember this from the OU1 remedy review board comments:

<http://www.epa.gov/superfund/programs/nrrb/pdfs/Allied%20Paper%20Memo.pdf>). Also, the format differs from the way GP has set up the ARAR discussion so I am interested in hearing from you all on whether or not you are OK with the descriptions and rationales that you wrote up not being in the FS.

Hope this helps.

Looking forward to talking to you next week.

Nicole